

### Remarks

Claims 1-2, 4, 13, 18 and 21, 23-24 are amended; claims 35-40 are added; and claims 12, 14-17, 19-20 and 27-34 are cancelled. No new subject matter is added by way of these amendments. Claims 1-11, 13, 18, 21-26 and 35-40 are pending.

The Examiner requested that Applicant elect a species. In particular, the Examiner requested that Applicant elect a) a single disclose polymer that is completely defined by one of the bonds recited in claim 2, b) one biologically active agent, and c) a method recited in claims 28-32.

In response to the election of species requirement, Applicant elects a) an ester linkage and b) mycophenolic acid (MPA).

With regards to the election of c) a method, Applicant has cancelled the method claims (claims 28-32), and thus, it is believed that election of a method is no longer required.

It is Applicant's belief that claims 1-4, 7-8, 13, 18, 21-26 and 35-40 read on the elected species.

RESPONSE TO RESTRICTION REQUIREMENT

Serial Number: 10/646,336

Filing Date: August 22, 2003

Title: THERAPEUTIC POLYANHYDRIDE COMPOUNDS FOR DRUG DELIVERY

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Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6905 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date Jan 27, 2006 By Monique M. Perdok Shonka  
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 27 day of January, 2006.

Lisa Rosorelle  
Name

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Signature